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KENNY C. GUINN
Governor

OFFICE OF THE GOVERNOR

October 18, 2001

The Honorable Spencer Abraham
Secretary of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Abraham:

Please accept this letter as the State of Nevada's comments in response to the Federal Register Notice of August 21, 2001, in which the Department of Energy (DOE) announced public hearings and solicited public comment with respect to the possible recommendation of Yucca Mountain for development as a high-level radioactive waste repository.

Nevada considers the current site recommendation process to be premature and contrary to the letter and spirit of the Nuclear Waste Policy Act (Act). The fact that critical information essential to evaluate and comment upon your consideration of Yucca Mountain as a nuclear waste repository has not been made available to the public is a major impediment to meaningful public participation and renders the hearings and the entire site recommendation comment period meaningless. For example, the report that is to form the basis for any such recommendation, the Preliminary Site Suitability Evaluation Report, is itself based on site suitability guidelines that do not exist, while completely ignoring the current, legally binding regulations specifying criteria for determining site suitability. Moreover, the Final Yucca Mountain Environmental Impact Statement (EIS), the key report required by the Act that forms the basis by which DOE is to evaluate the potential impacts of the Yucca Mountain site on the State of Nevada and the nation, has not been made available to the public.

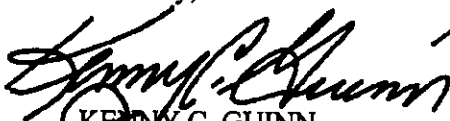
How can I as Governor, our State Legislature, and the citizens of this state provide meaningful comment on the consideration of Yucca Mountain as a repository when documents critical to the site recommendation process have not been made available. Additionally, I believe it is impossible for you to make a sound decision on whether to recommend Yucca Mountain to President Bush when critical EPA radiation standards are being challenged in Federal Court by our state and the nuclear industry.

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Section 114 of the Nuclear Waste Policy Act requires: (i) that DOE provide to me and the Legislature the final and complete site recommendation decision package it submits to you; (ii) that we have an opportunity to submit comments to you on the decision package, and; (iii) that you respond to our comments prior to making any recommendation to President Bush. The Act further requires that my comments and those of the Legislature be included in any recommendation you submit to the President.

In summary, the current site recommendation process and related hearings do not satisfy the requirements of Section 114 of the Act, and DOE's current schedule for making a recommendation to the President does not provide sufficient time for obtaining and responding to the views and comments of myself and the Legislature on the final site recommendation decision package. Moreover, for this process to be fair to the citizens of Nevada and the nation, I urge you to correct the errors which have been made throughout the site recommendation process and adhere to the letter and spirit of the Act by requiring DOE to produce the requisite documents and thereafter schedule a process that allows myself, the Legislature, and our citizens to provide meaningful comment on those documents.

Sincerely,



KENNY C. GUINN
Governor

KCG/cm